

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

United States Fidelity and	:	
Guaranty Company	:	
	:	
v.	:	Hon. Christopher Conner
	:	
Bruce J. Brown and Brown, Schultz	:	
Sheridan & Fritz	:	No: 01-CIV-813

**MOTION FOR LEAVE TO FILE BRIEF IN
EXCESS OF FIFTEEN PAGES**

Pursuant to Local Rule 7.8, defendants seek leave to file a brief in excess of the fifteen page limit and set forth the following in support thereof:

1. This is an action in which Plaintiff, United States Fidelity & Guaranty Company ("USF&G"), issued surety credit to CCI Construction Company ("CCI") and now seeks to recover damages from the defendant accountants for alleged negligent misrepresentations contained in three years of audited financial statements prepared by defendants for CCI.

2. Plaintiff claims that it issued 18 sets of payment and performance bonds to CCI Construction Company in reliance on financial statements for the years ended December 31, 1996, 1997 and 1998 audited by defendants and alleges it has sustained over \$31,000,000 in losses as a result.

3. Defendants have filed a supplemental motion for summary judgment based on

the deposition testimony of plaintiff's experts raising a number of complex legal issues.

4. In order to set forth full and complete arguments in support of defendants' supplemental motion for summary judgment a brief of more than fifteen pages was required. Defendants' brief in support of the supplemental summary judgment motion is thirty-nine (39) pages.

WHEREFORE, the defendants request that they be permitted to exceed the fifteen page limit imposed by the local rules in connection with defendants' brief in support of their supplemental summary judgment motion.

SWARTZ CAMPBELL LLC

BY: s/ Kathleen M. Carson
JEFFREY B. McCARRON
KATHLEEN CARSON_____
1601 Market Street
34th Floor
Philadelphia, PA 19103
(215) 564-5190

ATTORNEYS FOR DEFENDANTS
Bruce J. Brown and Brown, Schultz,
Sheridan & Fritz

Dated: September 12, 2003

CERTIFICATE OF SERVICE

I, Kathleen M. Carson, Esquire, counsel for defendants, Bruce J. Brown and Brown, Schultz Sheridan & Fritz, hereby certify that a copy of the motion for leave to file briefs in excess of fifteen pages was served upon all counsel listed below by overnight mail and first class U.S. mail, postage prepaid on September 12, 2003.

Peter Speaker, Esquire
Thomas, Thomas & Hafer
305 North Front Street
Harrisburg, PA 17101

Peter B. McGlynn, Esquire
Bruce D. Levin, Esquire
Bernkopf, Goodman & Baseman LLP
125 Summer Street, Suite 1300
Boston, MA 02110

s/Kathleen M. Carson
Kathleen M. Carson

Date: September 12, 2003